IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 8084 of 2004(K)

PETITIONER:

K. BALAKRISHNAN @ KUTTAN NAIR,
AGED 62 YEARS, S/O. NARAYANAN NAIR,
RESIDING AT KADANGAL HOUSE, KURUMBATHOOR P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETAIAT, THIRUVANANTHAPURAM.**

2. **THE ASST.EXECUTIVE ENGINEER, L.S.G.(W.R.) DEPARTMENT, KUTTIPPURAM BLOCK PANCHAYAT, KUTTIPPURAM, MALAPURAM DISTRICT.**

3. **THE SECRETARY, KUTTIPPURAM GRAMA PANCHAYATH, TIRUR TALUK-679 571, MALAPPURAM DISTRICT.**

BY GOVERNMENT PLEADER SRI.MANOJ
SRI.K.P.DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 8084/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AGREEMENT NO.8/02-03 EXECUTED BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE COMPLETION CERTIFICATE ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P3:- COPY OF THE LAWYER NOTICE SENT BY THE PETITIONER TO THE 3RD RESPONDENT.

ANNEXURE 1:- G.O.(MS) NO.216/97/IAD. DT.23.9.97 OF LOCAL ADMINISTRATION (N) DEPARTMENT.

/TRUE COPY/

KURIAN JOSEPH, J.

W.P.(C). NO. 8084 OF 2004

Dated this the 21st day of March, 2007.

J U D G M E N T

This writ petition is filed praying for a direction to the 3rd respondent to pay the entire amounts in respect of the works executed by the petitioner. The stand taken in the statement filed by the 2nd respondent is that the eligible amounts have already been paid. Therefore, it is for the petitioner in view of the surviving dispute to pursue the matter before the Civil Court. Therefore, this writ petition is disposed of making it clear that, in the event of the petitioner approaching the Civil Court, the time taken for prosecuting this writ petition shall stand excluded.

KURIAN JOSEPH, JUDGE.

smp